

REMARKS

Applicants appreciate the Examiner's thorough examination of the present application as evidenced by the Office Action of July 30, 2007 (hereinafter "Office Action"). In response, Applicants have amended Claims 19 – 21 to correct an inadvertent error in repeating the recitation of Claim 19 and have amended the independent Claims 1 and 14 by incorporating recitations from dependent Claims 9 and 22, respectively, to further highlight patentable distinctions with the cited reference. Dependent Claims 9 and 22 have been canceled without prejudice or disclaimer and dependent Claims 10, 11, 23, and 24 have been amended to correct their dependencies in light of the cancellations of Claims 9 and 22. Applicants respectfully submit that the cited reference does not disclose or suggest, at least, all of the recitations of the pending independent claims as amended. Favorable reconsideration of all pending claims is respectfully requested for at least the reasons discussed hereafter.

Claim Objections

Claim 1 is objected to because Preliminary Amendment filed May 6, 2005 is alleged to be inconsistent with the original claim. (Office Action, page 2). The Preliminary Amendment is based on the claims as set forth in the amended sheets appended to the International Preliminary Examination Report (IPER). Applicants submit that the present objection appears to be based on a comparison of the claims between the Preliminary Amendment and the original application rather than between the Preliminary Amendment and the amended sheets appended to the IPER. Applicants submit, therefore, that the amendments made to Claim 1 in the Preliminary Amendment are correct.

Claims 19 – 21 are objected to because the recitations of Claim 19 are repeated in Claims 20 and 21. (Office Action, page 2). In response, Applicants have amended Claims 20 and 21 to include recitations similar to those contained in the amended sheets appended to the IPER.

Independent Claims 1 and 14 are Patentable

Independent Claims 1 and 14 stand rejected under 35 U.S.C. §102(b) as being anticipated by U. S. Patent No. 5,938,721 to Dussell et al. (hereinafter "Dussell"). Independent

Claim 1 is directed to a device for generating an alert signal and has been amended to incorporate the recitations of Claim 9. Claim 1 recites, in part:

...
calendar means for storing calendar entries;
clock means for keeping track of the actual time; and
second trigger means for comparing the actual time with a calendar entry
and triggering generation of said alert signal when the actual time matches the
calendar entry, but only when the distance between the actual position of the
device and the location of the place of interest is less than the predetermined
value (r);
...

Independent Claim 14 has been amended to incorporate recitations from dependent Claim 22 and includes similar recitations. According to the independent claims, the actual time may be tracked and an alert signal generated only when the distance between the device's position and the place of interest is less than a predetermined value and there is a match between the actual time and a calendar entry. This is described, for example, in the Specification at page 6, lines 8 – 17.

The Office Action cites the passages from Dussell at col. 7, lines 15 – 32 and col. 9, lines 10 – 15 in rejecting dependent Claim 9. (Office Action, page 4). The passage at col. 7, lines 15 – 32, however, explains that conventional scheduling programs provide an ability to store reminders in the form of "to-do" lists. The passage goes on to explain that the focus of Dussell's disclosure is to provide "a means by which tasks can be scheduled and/or prioritized based on location." (Dussell, col. 7, lines 23 – 24). The second passage cited in rejecting dependent Claim 9 at col. 9, lines 10 – 15 explains that the database 10, which includes the geocoded references, can be accessed by various types application programs, such as calendaring and scheduling programs that run on the computer system 20. After reviewing these passages, Applicants submit that Dussell merely discloses the capability of generating an alert once a mobile device comes within a predetermined range of a defined geographic location. Dussell does not disclose or suggest modifying this capability to make the alert conditional on satisfying a time condition, such as a date on a calendar, for example. Applicants acknowledge that Dussell mentions that the geocoded references can be accessed by calendaring and scheduling programs at col. 9, lines 10 – 15. But when this excerpt is placed in context by reviewing the

entire paragraph of which it is a part, it appears to be referring to the ability to program the geocoded references into the database 10 (Dussell, col. 9, lines 3 – 15). Applicants submit, therefore, that Dussell fails to disclose or suggest, at least, making a geographic alert conditional on a time condition as recited in independent Claims 1 and 14.

Accordingly, for at least the foregoing reasons, Applicants respectfully submit that independent Claims 1 and 14 are patentable over the cited reference and that Claims 2 – 8, 10 – 13, 15 – 21, and 23 - 28 are patentable at least per the patentability of independent Claims 1 and 14.

Various Dependent Claims Are Separately Patentable

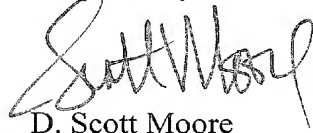
Dependent Claims 10, 11, 23, and 24 depend from independent Claims 1 and 14 and are allowable for at least the reasons discussed above. Applicants submit, however, that these claims are separately patentable because they include recitations that highlight additional details regarding the use of a time condition for generating a geographic alert. As discussed above, Dussell fails to disclose or suggest making a geographic alert conditional on a time condition. Applicant, therefore, submits that Claims 10, 11, 23, and 24 are separately patentable for at least these additional reasons.

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CONCLUSION

In light of the above remarks, Applicants respectfully submit that the above-entitled application is now in condition for allowance. Favorable reconsideration of this application is respectfully requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

Respectfully submitted,

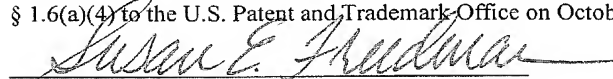


D. Scott Moore
Registration No. 42,011

Customer No. 54414
Myers Bigel Sibley & Sajovec
P. O. Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401

CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on October 30, 2007.



Susan E. Freedman

Date of Signature: October 30, 2007